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June 5, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

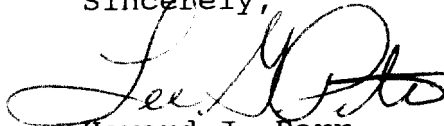
**Re: Amendment of Section 73.202(b)
FM Table of Allotments
(Lufkin, Texas)**

Dear Ms. Salas:

Transmitted herewith on behalf of Russell L. Lindley is an original and four copies of his Petition for Rule Making seeking the commencement of a rule making proceeding to amend the FM Table of Allotments to allot Channel 230A at Lufkin, Texas as its fourth local transmission service, pursuant to Section 1.401 of the Commission's Rules.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,


Howard J. Barr
Patricia M. Chuh
Lee G. Petro

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

JUN - 5 1998

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b)
 Table of Allotments
 FM Broadcast Stations
 (Lufkin, Texas)

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MM Docket No. _____
 RM No. _____

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Russell L. Lindley, by his attorneys, pursuant to Section 1.401 of the Commission's Rules, hereby seeks the commencement of a rule making proceeding to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. §73.202(b), to allot Channel 230A at Lufkin, Texas, as its fourth (or fifth) local transmission service.^{1/} As shown in the attached Technical Statement, Channel 230A may be allotted to Lufkin, Texas in full compliance with the Commission's separation requirements.^{2/} In support whereof, the following is submitted:

1. Russell L. Lindley requests that the FM Table of Allotments be amended as follows:

^{1/} On this same day, Russell L. Lindley also filed a petition for rule making seeking to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. §73.202(b), to allot Channel 261A at Lufkin, Texas. Upon the Commission's release of a notice of proposed rule making and the allotment of Channel 230A and Channel 261A at Lufkin, Texas, Russell L. Lindley intends to apply for both channels. At that time, Russell L. Lindley intends to demonstrate compliance with the Commission's ownership rules, if necessary.

^{2/} Channel 230A may be allotted at reference coordinates 31° 23' 27" North Latitude and 94° 48' 04" West Longitude, which is 8.74 kilometers on bearing 304.1°T from the official Lufkin coordinates.

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Lufkin, Texas	257C2; 286C	257C2; 286C; 230A ^{3/}

2. Lufkin, Texas is a community for allotment purposes. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (It is sufficient if the proposed community is either incorporated or listed in the U.S. Census). Lufkin is an incorporated community with its own elected government and a population of 30,206 persons (1990 U.S. Census).

3. Russell L. Lindley hereby certifies that he has a present intention to apply for the new channel when allotted, and when authorized, to build the facilities and commence operation promptly.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission commence a rule making proceeding to allot Channel 230A to Lufkin, Texas.

Respectfully submitted,

RUSSELL L. LINDLEY

By: 

Howard J. Barr
Patricia M. Chuh
Lee G. Petro
His Attorneys

PEPPER & CORAZZINI, L.L.P.
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June 5, 1998

^{3/} See supra note 1.

TECHNICAL STATEMENT IN SUPPORT
OF PROPOSED RULE MAKING TO
AMEND §73.202(b), FM TABLE OF ALLOTMENTS

on behalf of
RUSSELL L. LINDLEY
NEW (FM) CHANNEL 230A (93.9 MHz)
LUFKIN, TEXAS

MAY, 1998

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P.O. BOX 701190
SAN ANTONIO, TEXAS 78270-1190
(210) 525-1111

WILLOUGHBY & VOSS

TECHNICAL STATEMENT
IN SUPPORT OF PROPOSED RULE MAKING
RUSSELL L. LINDLEY
CHANNEL 230A, LUFKIN, TEXAS
MAY, 1998

The firm of Willoughby & Voss has been retained by Russell L. Lindley, to prepare the instant technical statement in support of a petition for rule making to amend the FM Table of Allotments by adding Channel 230A at Lufkin, Texas.

Lufkin is an incorporated community that is the county seat of Angelina County. It has an elected government. The population within the proposed 60 dBu contour is 74,488. The Lufkin Independent School District provides public education (K through 12 grade). Lufkin has a unique and distinguishable identity. Adoption of this proposal will provide Lufkin with "fourth local service". [It should be noted that the proponent has also proposed the allotment of Channel 260A at Lufkin, Texas. Therefore, it is possible that the instant proposal could become the fifth local service.]

An allocation study of Channel 230A was performed, using the allotment reference coordinates, 31-23-27 N.L., 94-48-04 W.L. and is found to meet all Class A distance separation requirements of Section 73.207 of the Commission's Rules. The allotment reference site is located 8.74 kilometers on bearing 304.1°T from the official Lufkin coordinates. This site restriction is necessary to meet all spacing requirements. Exhibit A is a tabulation of the allocation study. This proposed facility will serve all of the community of Lufkin with the required 3.16 mV/m contour.

In light of the above facts, and the desire of the Commission for efficient spectrum usage, it is requested that the Table of Allotments contained in Section §73.202(b) of the Commission's Rules be amended to read as follows:

Community

Lufkin, TX

Present

257C2, 286C

Proposed

257C2, 286C & 230A

Upon allotment of the above requested changes, formal application for the respective facility will be filed with the FCC, by the proponent.

The foregoing was prepared on behalf of Russell L. Lindley, by, or under the immediate supervision of Lyndon H. Willoughby, of Willoughby & Voss, San Antonio, Texas. The affiant's qualifications are contained in previous filings and are a matter of record with the Federal Communications Commission.

The statements and data contained herein are true and correct of his own knowledge, except as to statements made on information and belief and as to those statements, he believes them to be true and correct.

By Lyndon H. Willoughby

Lyndon H. Willoughby, Affiant

May 25, 1998

WILLOUGHBY & VOSS

LUFKIN, TEXAS CHANNEL 230A SPACING STUDY

FM Channel Study for Channel 230A6 at 31-23-27 94-48- 4
 Safe Distance of 25.0 Kilometers
 New (6 kW) Class A spacings employed

***** STANDARD DISCLAIMER APPLIES *****

Channel	Call	LIC	City	State	Lat	Long	Distance	Regrd
Applicant/Licensee							Bearing	Clear
227C	KLTN	LIC	Port Arthur	TX	30- 3- 5	150.80	95.0	
Tichenor License Corporation	97.00 kW	595M	94-31-37	169.90	55.80			
227C		USED	Port Arthur	TX	30- 3-39	167.10	95.0	
	0.00 kW	OM	93-58-49	151.72	72.10			
228C2		USED	Crockett	TX	31-17-33	64.79	55.0	
	0.00 kW	OM	95-28-20	260.49	9.79			
228C2	KBHT	LIC	Crockett	TX	31-20- 3	94.01	55.0	
Nicol Broadcasting LTD	50.00 kW	146M	95-47-13	266.42	39.01			
229C		USED	Houston	TX	29-34-27	212.08	165.0	
	0.00 kW	OM	95-29-37	198.45	47.08			
229C		USED	Shreveport	LA	32-40-39	164.79	165.0	
	0.00 kW	OM	93-55-41	29.80	-0.21			
229C	KITT	LIC	Shreveport	LA	32-40-39	164.79	165.0	
Multimedia Radio, Inc.	95.00 kW	308M	93-55-41	29.80	-0.21			
229C	KKRW	LIC	Houston	TX	29-34-27	212.08	165.0	
SFXTX LTD Partnership	100.00 kW	524M	95-29-37	198.45	47.08			
230C2		USED	Paris	TX	33-48-30	276.00	166.0	
	0.00 kW	OM	95-30- 0	346.44	110.00			
230A		USED	Alexandria	LA	31-18- 6	223.63	115.0	
	0.00 kW	OM	92-27-12	91.93	108.63			
230A	KFAD	LIC	Alexandria	LA	31-16- 4	225.14	115.0	
FM Broadcasting Corporation	6.00 kW	100M	92-26-24	92.86	110.14			
230C3		VACANT	Bastrop	LA	32-50-43	314.83	142.0	
	0.00 kW	OM	91-56-10	58.43	172.83			
230C2	KOYN	LIC	Paris	TX	33-49-36	277.19	166.0	
C&E Broadcasting, Inc.	50.00 kW	150M	95-27-49	347.21	111.19			
231C1	KQXYFM	LIC	Beaumont	TX	30- 6-56	160.85	133.0	
Petracom of Beaumont License Corp.	100.00 kW	183M	94- 0- 0	151.31	27.85			

WILLOUGHBY & VOSS

LUFKIN, TEXAS CHANNEL 230A SPACING STUDY

FM Channel Study for Channel 230A6 at 31-23-27 94-48- 4
 Safe Distance of 25.0 Kilometers
 New (6 kW) Class A spacings employed

***** STANDARD DISCLAIMER APPLIES *****

Channel Call Applicant/Licensee	City	State	Lat Long	Distance Bearing	Reqr'd Clear
231C3 KULF May Broadcasting, Inc.	CP Brenham	TX	30- 8-31 96-25- 0	207.59 228.58	89.0 118.59
231C1	USED Beaumont	TX	30- 6-56 94- 0- 0	160.85 151.31	133.0 27.85
231D NEW-T Paulino Bernal Evangelism	APP Tyler	TX	32-19-21 95-14- 8	111.19 338.41	0.0
231C3	USED Brenham	TX	30-14-32 96-24-27	199.61 230.77	89.0 110.61
231A KULF May Broadcasting, Inc.	LIC Brenham	TX	30- 8-31 96-25- 0	207.59 228.58	72.0 135.59
231C	USED Fort Worth	TX	32-35-22 96-58-10	244.25 303.54	165.0 79.25
231C KLTY Metroplex Broadcasting, Inc.	LIC Fort Worth	TX	32-35-22 96-58-10	244.25 303.54	165.0 79.25
232A KHRN Marshall Media Group, Inc.	LIC Hearne	TX	30-51- 7 96-34- 4	178.79 250.93	31.0 147.79
233C	USED Shreveport	LA	32-40-13 93-55-59	163.86 29.80	95.0 68.86
233C KRUF Progressive United Corporation	LIC Shreveport	LA	32-40-13 93-55-59	163.86 29.80	95.0 68.86
284C3 KORI DeSoto Broadcasting Corporation	LIC Mansfield	LA	31-57-49 93-53-58	106.51 53.16	12.0 94.51
284C3	USED Mansfield	LA	31-57- 5 93-53- 8	106.78 54.16	12.0 94.78